

HOUSE BILL NO. 431

INTRODUCED BY BLEWETT, BUTCHER, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING STRICT LIABILITY ON A ~~DOG~~ CANINE ~~DOG~~ OWNER FOR ANY INJURY TO AN INDIVIDUAL CAUSED BY A ~~DOG~~ CANINE ~~DOG~~ ANYWHERE WITHIN THE STATE; AMENDING SECTION 27-1-715, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-715, MCA, is amended to read:

"27-1-715. Liability of owner of vicious dog CANINE ~~DOG~~ -- damages -- definitions. (1) (A) The owner of ~~any a dog~~ a dog CANINE ~~DOG~~ which ~~shall~~ that without provocation ~~bite any person~~ injures or causes injury to an individual while ~~such person~~ the individual is on or in a public place or lawfully on or in a private place, including the property of the owner of ~~such the dog~~ the dog CANINE ~~DOG~~, ~~located within an incorporated city or town shall be~~ is liable for ~~such the~~ the damages ~~as may be~~ suffered by the ~~person bitten~~ injured individual regardless of the former ~~viciousness~~ BEHAVIOR of ~~such the dog~~ the dog CANINE ~~DOG~~ or the owner's knowledge of ~~such the dog's viciousness~~ CANINE'S DOG'S BEHAVIOR.

(B) IF THE INJURED INDIVIDUAL IS LESS THAN 9 YEARS OF AGE AT THE TIME THE INJURY OCCURS, THERE IS A DISPUTABLE PRESUMPTION THAT THE INJURY OCCURRED WITHOUT PROVOCATION BY THE INJURED INDIVIDUAL.

(2) ~~A person~~ An individual is lawfully upon the private property of ~~such the~~ the owner within the meaning of ~~this section when he~~ subsection (1) if the individual is on ~~such the~~ the property in the performance of any duty imposed upon ~~him~~ the individual by the laws of this state or by the laws or postal regulations of the United States of America or when ~~he~~ the individual is on ~~such the~~ the property as an invitee or licensee of the person lawfully in possession of the property.

(3) As used in this section, the following definitions apply:

(a) "Owner" means an individual or other person, as defined in 1-1-201, A PERSON who owns, possesses, harbors, keeps, controls, has custody of, or has a financial or property interest in a dog CANINE ~~DOG~~.

(b) "Provocation" means teasing, tormenting, or abusing."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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